



BILL NO: Senate Bill 28
TITLE: Child Custody - Legal Decision Making and Parenting Time
COMMITTEE: Judicial Proceedings
HEARING DATE: January 31, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 28.**

Senate Bill 28 codifies existing Maryland case law regarding custody determinations using the best interests of the child standard. There is no current statute that encompasses or delineates the factors a court must consider for custody determinations. Codifying factors will be especially beneficial to pro se litigants who would have the benefit of clear statutory language outlining the factors a court will and will not consider since they may not have access to or understanding of appellate case law.

Senate Bill 28 recognizes, as does current case law, that custody decisions should be child focused. There is no custody presumption in SB 28. Neither parent is presumed to have any right to legal decision making or parenting time that is superior to the right of the other parent. MNADV supports the premise that the court should be focused on each family and child's unique circumstances and needs when making custody determinations. Custody decisions should be made absent any presumptions and by carefully weighing all the factors. In families where there is domestic violence it may or may not be in a child's best interest to have both parents actively involved in a child's life, a court can only reach that decision after careful evaluation of the factors in SB 28.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 28.**